

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Electro-Max, Inc.
105 N. Rowell Road
Hampshire, Illinois 60140**

ATTENTION:

**Kevin Grant
Owner
Kevin.Grant@EMI.com**

Request to Provide Information Pursuant to the Clean Water Act

The U.S. Environmental Protection Agency is requiring Electro-Max, Inc. (Electro-Max or you) to submit certain information about the facility at 105 N. Rowell Road, Hampshire, Illinois. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request. If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to choi.sangsook@epa.gov, explaining the specific impacts on your ability to respond.

We are issuing this information request under Section 308(a) of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318(a). Section 308(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, among other things, that whenever required to carry out an objective of the Act, the Administrator of EPA shall require

the owner or operator of any point source to: establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and provide such other information as the Administrator may reasonably require.

Electro-Max owns and operates a point source at the Hampshire, Illinois facility and was reporting in years 2012 and 2013. Because Electro-Max has not reported since 2013, we are requesting this information to determine whether this source is complying with the CWA.

Electro-Max must send all required information to R5WECA@epa.gov and to choi.sangsook@epa.gov. If, for some reason, materials cannot be transmitted electronically, submissions can be sent to:

Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 5
Attn: Sangsook Choi, ECW-15J
77 W. Jackson Boulevard
Chicago, Illinois 60604

Electro-Max must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

As explained more fully in Appendix A, Electro-Max may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information submitted to us.

Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If Electro-Max does not assert a business confidentiality claim when submitting the information, EPA may make this information available to the public without further notice. Electro-Max should be aware, however, that pursuant to Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. § 2.302(e), effluent data, standards, and limitations are not eligible for confidential treatment.

This information collection is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

We may use any information submitted in response to this request in an administrative, civil or criminal action. Failure to comply fully with this information request may subject Electro-Max to an enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. §§ 1001 and 1341.

You should direct any questions about this information request to Sangsook Choi at (312) 353-1869 or via email at choi.sangsook@epa.gov. For legal inquiries, please contact Jacqueline Clark at (312) 353-4191 or via email at clark.jacqueline@epa.gov.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance
Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information is not known or not available to you as of the date of submission and later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Confidential Business and Personal Privacy Information Notice

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at 40 C.F.R. Part 2. Please clearly identify portions of otherwise non-confidential documents that you are claiming as confidential. EPA will construe the failure to furnish a confidentiality claim with your response to the information request may result in the information being made available to the public without

further notice to you. EPA's confidential business information (CBI) regulations are at 40 C.F.R. Part 2, Subpart B (sections 2.201-2.311). See <https://www.ecfr.gov>.

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 5, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Provide a table of contents for the electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.*
4. Please provide documents claimed as confidential business information (CBI) in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the information claimed as CBI.
5. Certify that all electronic submittals including attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this Information Request have their ordinary meaning unless such terms are defined in the CWA, 33 U.S.C. § 1251 *et seq.*, or 40 C.F.R. Part 122.

1. "Act" or "CWA" means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
2. "Best management practices" or "BMPs," as defined in 40 C.F.R. § 403.3(e), means "schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 C.F.R. § 403.5(a)(1)

and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.”

3. “Categorical Industrial User” or “CIU” means an IU subject to categorical pretreatment standards under 40 C.F.R. § 403.6 and the Effluent Guidelines and Standards for Point Source Categories at 40 C.F.R. Chapter I, Subchapter N.
4. “Day” or “days” means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday, or federal or state holiday, the period shall run until the close of business on the next working day.
5. “Indirect Discharge,” as defined in 40 C.F.R. § 403.3(i), means “the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.”
6. “Industrial User” or “IU”, as defined in 40 C.F.R. § 403.3(j), means a source of an Indirect Discharge.
7. “Point source,” as defined in Section 502(14) of the CWA, means “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
8. “Pollutant,” as defined in Section 502(6) of the CWA, means “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).
9. “Pretreatment”, as defined in 40 C.F.R. § 403.3(s), means “the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.”
10. “Pretreatment Standards” or “National Pretreatment Standards” or “Standards” as defined in 40 C.F.R. § 403.3(l), means “any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to § 403.5.”
11. “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined in Section 212 of the CWA, 33 U.S.C. § 1292(2), that is owned by a State, Tribe, or a municipality (as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4)). Pursuant to 40 C.F.R. § 403.3(q), the definition of POTW includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial

wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4), that has jurisdiction over indirect and direct discharges to such a treatment works.

12. “Record” or “records” means any recording of information in tangible or intangible form. It includes, but is not limited to: documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer printouts, and computer databases.
13. A “Slug Discharge”, as defined in 40 C.F.R. § 403.8(f)(2)(vi), is “any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the sewage treatment plant’s regulations, local limits or Permit conditions.”
14. “Site” means the property located at 105 N. Rowell Road, Hampshire, Illinois.
15. “Upset,” as defined in 40 C.F.R. § 403.16(a), means “an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User.”
16. “Wastewater” shall mean any water/liquid and all material conveyed with that water/liquid that contains process wastewater, discarded material, noncontact cooling and/or heating water, or domestic wastewater.
17. “You” or “Your” for purposes of this Information Request refers to Electro-Max and to any managers, officers, agents, employees, contractors, or other entities that perform work or act in any way on behalf of, or at the direction of Electro-Max.

Appendix B

Information You Are Required to Submit to EPA

Electro-Max, Inc. (Electro-Max or you) must submit the following information pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a):

1. Provide a comprehensive facility process description, including an identification of raw materials, processes used, products produced/amount of finished product, and wastes and their destination. Please attach a process diagram if available.
2. Please identify the number of hours the facility operates per day and the number of days the facility operates per week.
3. If the facility (or part of the facility) is subject to categorical Pretreatment Standards expressed in terms of mass of pollutant per unit of production (production-based standards), under 40 C.F.R. § 403.6(c)(2), please identify the facility's average daily production during a representative year. For example, if the facility is a foundry, how many pounds of molten metal does the facility pour or inject into molds each day, in a representative year?
4. Please identify how many gallons of supply water the facility uses on average per day, week, and month.
5. Please identify whether daily water usage is measured or estimated. Provide details.
6. List the daily water usage (in gallons) and wastewater discharge (in gallons) for:
 - a. Each production process;
 - b. Contact cooling water;
 - c. Boiler blowdown/makeup;
 - d. Evaporation (loss);
 - e. Non-contact cooling water; and
 - f. Sanitary water.
7. If there have been any significant changes in wastewater flow to the sewer in the past three years, please list the date and amount of each significant change. For the purpose of this request, a "significant change" is defined as a change greater than or equal to 20%.
8. Please describe any pretreatment system used by the facility to treat its process wastewater prior to discharge to the sewer and include any applicable comprehensive schematic description and design and performance specifications.

9. Please provide copies of any Best Management Practices implemented at the facility to prevent pollutants from entering the facility's waste stream or reaching a discharge point.
10. Please provide a copy of the facility's toxic organic management plan (TOMP)¹, if the facility uses one, and a record showing EPA's approval of the TOMP.
11. If the facility has a chemical storage area, please identify the chemicals that the facility maintains on site and describe how they are stored and used, including the amount of each chemical and the frequency of use, and specifically, the total monthly usage.
12. Please identify and describe any spill control measures or slug discharge plans in place at the facility and provide any records of discharge incidents that have occurred in the past 3 years.
13. Please provide documentation or a description of any floor drains at the facility. Please identify whether chemicals can reach these floor drains if spilled and whether these drains or troughs lead to the sewer.
14. If the facility generates sludge, please describe:
 - a. The sludge dewatering method (e.g., plate/frame filter, belt press, rotating drum vacuum, centrifuge, indexing paper filters, etc.);
 - b. The amount of sludge generated (55 gal barrel/mo);
 - c. What happens to the liquid from dewatering;
 - d. The facility's sludge storage capacity;
 - e. Sludge shipping amounts and frequency; and
 - f. The name of any sludge hauler used.
15. If the facility generates hazardous waste, as defined by 40 C.F.R. Part 261, please:
 - a. Describe what type, quantity, and frequency of hazardous waste the facility generates;
 - b. Describe how the facility disposes of hazardous waste;
 - c. Indicate whether the facility discharges hazardous wastes to the sewer; and,
 - d. If the facility discharges hazardous waste to the sewer, provide a copy of the notice required by 40 C.F.R. § 403.12(p).
16. Please identify whether the facility takes samples and/or measures flow for all of its process wastewater discharges.
17. Please provide a copy of self-monitoring records for all sampling conducted over the past three years, including:

¹ Regulated industrial users in the Electroplating, Metal Finishing, and Electrical and Electronic Components (both Phase I and Phase II) categories may implement a TOMP with EPA's prior approval.

- a. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - b. The dates analyses were performed;
 - c. Who performed the analyses;
 - d. The analytical techniques/methods used;
 - e. The results of such analyses;
 - f. Flow monitoring data;
 - g. Production data, if the facility is subject to production-based standards;
 - h. Chain of custody form(s); and
 - i. The certification required under 40 C.F.R. § 403.12(l), if the facility is a categorical industrial user.
18. Please identify the number and location of sample points at the facility.
19. Please describe the type of flow monitoring device(s) used at the facility.
20. Please identify how often the facility's flow monitoring device(s) is calibrated.
21. Please describe whether there are any dilution waste streams present at the facility's sample location(s).²
22. If any of the facility's sample points represent discharges from a categorical process combined with one or more different categorical processes and/or dilution waste streams, please provide the following for each sample point:
- a. The presumed applicable categorical rule;
 - b. The average daily flow (at least a 30-day average) for each categorical stream;
 - c. The average daily flow (at least a 30-day average) for dilution streams; and
 - d. The average total daily flow (at least a 30-day average) through the sample point.
23. If the facility has exceeded any pretreatment standards in the past three years, please:
- a. Provide a description of each exceedance;
 - b. Provide a copy of the notice required under 40 C.F.R. § 403.12(g)(2); and
 - c. Indicate whether the facility repeated sampling and analysis and submitted results to EPA of the repeat analysis within 30 days discovering the exceedance.
24. If the facility has had one or more upsets in the past three years, please provide a copy of the notification sent to EPA pursuant to 40 C.F.R. § 403.16(c)(3).
25. If the facility has bypassed any part of its wastewater treatment system, please provide a copy of the notification sent to EPA pursuant to 40 C.F.R. § 403.17(c).

² Under 40 C.F.R. § 403.6, dilution streams may be Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; or sanitary wastestreams.

26. If the facility is required to implement a slug discharge control plan under 40 C.F.R. § 403.8(f)(2)(vi), please submit a copy of the plan.
27. Please provide a copy of any baseline monitoring report required under 40 C.F.R. § 403.12(b).